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REMARKS

Claims 29-34, as amended, remain herein.

Applicants' undersigned attorney thanks Examiner Dixon for the courtesies extended during the interview conducted January 10, 2005. At that interview, proposed amended claim 34 (in the form stated herein) was presented to the Examiner and discussed to overcome the §112 rejection. Applicants' attorney additionally pointed out that the Dockes reference may be demonstrated not to be a de jure prior art reference available against the prior application which is entitled to the benefit of its earlier filed parent applications. Furthermore, it was noted that independent claim 29, and thus all claims 29-34, recite means for encrypting information using at least both a cipher key and a disk identification information unique to the optical disk, which limitations are not disclosed in the Cooper reference and were an allowable element of claims in one or more of applicants' parent applications. The foregoing arguments concerning Cooper were favorably noted in the Examiner's Interview Summary (Form PTOL-413).

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1. The Office Action noted that the present application appears to claim subject matter disclosed in prior application Serial No. 09/866,130, filed June 22, 2001. The Office Action said a reference to that prior application must be inserted as the first sentence of the specification of this application or in an Application Data Sheet if applicants intend to rely on the filing date of that application under §119(e) or §120.

The attention of the PTO is directed to point 5. of the request for filing this application, which expressly amended the specification of this application by inserting before the first line, the sentence:

This is a Rule 1.53(b) Continuation of application Serial No. 09/886,130 filed June 22, 2001 which in turn is a continuation of 09/475,228 filed December 30, 1999 which in turn is a Continuation of application Serial No. 08/849,468 filed June 9, 1997, now U.S. Patent 6,081,785 issued June 27, 2000.

Thus, the requirement stated in the Office Action that reference to the prior applications must be inserted as the first sentence of the specification, had already been carried out on the initial filing date of the present application.

Applicants thus respectfully submit that the alleged issue raised by paragraph 1. of the Office Action is moot. Should the

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PTO believe that applicants have some further obligation relating to such point, applicants respectfully request the PTO to specify same in a written communication to applicants' undersigned attorney.

2. Claim 34 was rejected under 35 USC §112, first paragraph. Claim 34 has been amended to specify that the second recording area is overlapping with the first recording area. See applicants' specification, page 5, line 10 through Page 7, line 34. Applicants therefore believe the rejection is moot and respectfully request withdrawal thereof.

3. Applicants note the Examiner's amendment to claim 29, line 9.

4. Claims 29 and 34 were rejected under 35 USC §103(a) over Cooper '946 and Dockes '944. Each of claims 30, 31, 32 and 33 was also rejected under §103(a) over Cooper '946 and Dockes '944, further in view of one or more additional references.

As pointed out during the interview, applicants' independent claim 29 recites "means for encrypting information using at least both a cipher key and said disk identification information unique to the optical disk, into encrypted

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information unique to the same optical disk," As admitted in the January 10, 2005 Examiner's Interview Summary (Form PTOL-413) this is not disclosed in Cooper.

Since all of the rejections based upon prior art are primarily based upon Cooper, and since Cooper admittedly does not teach key limitations of applicants' claims 29-34, all of the applied references, including Cooper, individually and collectively, fail to teach sufficient information to disclose or suggest applicants' presently claimed invention to one of ordinary skill in the art. Additionally, while Cooper discloses "unlocking" of software after certifying, in the Cooper system encrypted content is recorded before certifying any medium.

For all the foregoing reasons, there is no disclosure or teaching in any of Cooper, Dockes, Kobayashi '394, Curtis '576 or Selby III '604 which discloses or suggests applicants' presently claimed invention. Still further, there is no disclosure or teaching in any of those references which would suggest the desirability of modifying any portion of any of those references, or combining any portions of those references, effectively to anticipate or suggest applicants' presently

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claimed invention. Accordingly, reconsideration and withdrawal of these grounds of rejection, and allowance of all claims 29-34, are respectfully requested.

Should the Examiner deem that any further action by the applicants would be desirable for placing this application in even better condition for issue, the Examiner is requested to telephone applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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